

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAPHAEL M. PROVINO,

Plaintiff,

v.

FBI DIRECTOR CHRISTOPHER WRAY,
et al.,

Defendants.

Case No. 3:23-cv-00211-MMD-CSD

ORDER

Pro se Plaintiff Raphael M. Provino is attempting to sue primarily Texas-based officials and entities, along with some former federal officials, in what looks mostly like a dispute about a real-estate transaction in Texas. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney, recommending that the Court dismiss this case for improper venue. (ECF No. 5.) Objections to the R&R were due August 23, 2023. (*See id.*) To date, Provino has not filed an objection to the R&R. Because the Court agrees with Judge Denney’s analysis in the R&R, and as further explained below, the Court adopts the R&R in full and will dismiss this case for improper venue.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). In the R&R, Judge Denney recommends the Court grant the Motion because every factual allegation in the proposed complaint appears to relate to events that took place in Texas, and none of the many named Defendants are residents of this District. (ECF No. 5.) To the extent Provino filed

1 this case in this District because he now resides in Reno, “a plaintiff’s residence is
2 irrelevant in determining venue[.]” *Madison v. Dyal*, 746 F. Supp. 2d 450, 452 (W.D.N.Y.
3 2010). Since Judge Denney issued the R&R, Provino sent Judge Denney a letter (ECF
4 No. 6-1) and filed a motion “to charge and bill and order” (ECF No. 7), but neither of these
5 documents contain any specific objections to the R&R or otherwise suggest that venue
6 might be proper in this District. Judge Denney did not clearly err in the R&R.

7 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
8 No. 5) is accepted and adopted in full.


9 It is further ordered that this case is dismissed, in its entirety and without prejudice,
10 for improper venue.

11 It is further ordered that Provino’s application to proceed *in forma pauperis* (ECF
12 No. 4) is denied as moot considering the dismissal.

13 It is further ordered that Provino’s motion to charge bill and order (ECF No. 7) is
14 also denied as moot considering the dismissal.

15 The Clerk of Court is directed to enter judgment accordingly and close this case.

16 DATED THIS 30th Day of August 2023.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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